



U.S. Department of Justice
Office of Information Policy
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Emma Best
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Re: Appeal No. DOJ-AP-2018-008764
Request No. FOIA-2018-001053
CDT:RCS

VIA: Email

Dear Emma Best:

You appealed from the action of the Executive Office for United States Attorneys (EOUSA) on your Freedom of Information Act request for access to "a copy of FBI file 92-0711, which may be listed under CA-92-0711-TAF, CA-92-0711 or 92-0711-TAF." I note that your appeal concerns EOUSA's response stating that your request was not reasonably described.

After carefully considering your appeal, I am affirming EOUSA's action on your request. A proper FOIA request for records must reasonably describe the records sought. See 5 U.S.C. § 552(a)(3)(A); see also 28 C.F.R. § 16.3(b) (2018). I have determined that EOUSA's response was correct. Your request is not reasonably described because you did not characterize the records sought in such a way that they could be located without searching all files in over ninety U.S. Attorney's Offices. Courts have consistently held that the FOIA does not require agencies to conduct "unreasonably burdensome" searches for records. See, e.g., Nation Magazine v. U.S. Customs Serv., 71 F.3d 885, 892 (D.C. Cir. 1995). At a minimum, EOUSA would need to know which district these records originated in. It would also need a valid case number or some other identifying information about the case.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of EOUSA in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information

Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/10/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL